

**U.S. Department of Education**

**Staff Report  
to the  
Senior Department Official  
on  
Recognition Compliance Issues**

**RECOMMENDATION PAGE**

1. **Agency:** Accrediting Bureau Of Health Education Schools (1969/2011)  
(The dates provided are the date of initial listing as a recognized agency and the date of the agency's last grant of recognition.)
2. **Action Item:** Compliance Report
3. **Current Scope of Recognition:** The accreditation of private, postsecondary institutions in the United States offering predominantly allied health education programs and the programmatic accreditation of medical assistant, medical laboratory technician and surgical technology programs, leading to a certificate, diploma, Associate of Applied Science, Associate of Occupational Science, Academic Associate degree, or Baccalaureate degree, including those offered via distance education.
4. **Requested Scope of Recognition:** The accreditation of private, postsecondary institutions in the United States offering predominantly allied health education programs and the programmatic accreditation of medical assistant, medical laboratory technician and surgical technology programs, leading to a certificate, diploma, Associate of Applied Science, Associate of Occupational Science, Academic Associate degree, or Baccalaureate degree, including those offered via distance education.
5. **Date of Advisory Committee Meeting:** December, 2012
6. **Staff Recommendation:** Renew the agency's recognition for a period of three years. Extend the agency's scope of recognition to include the Substantive Change Committee, jointly with the Commission, for decisions on substantive changes.
7. **Issues or Problems:** None



## **EXECUTIVE SUMMARY**

### **PART I: GENERAL INFORMATION ABOUT THE AGENCY**

The Accrediting Bureau of Health Education Schools (ABHES or the agency) is a national institutional and programmatic accreditor. Its current scope of recognition is the accreditation of private, postsecondary institutions in the United States offering predominantly allied health education programs and the programmatic accreditation of medical assistant, medical laboratory technician and surgical technology programs, leading to a certificate, diploma, Associate of Applied Science, Associate of Occupational Science, or Academic Associate degree, including those offered via distance education. The agency is requesting a recognized scope that would include its accreditation of programs at the baccalaureate level.

ABHES accredits 211 institutions and 161 programs. The Secretary's recognition of the agency enables its accredited institutions to seek eligibility to participate in student financial assistance programs administered by the Department of Education under Title IV of the Higher Education Act of 1965, as amended. Consequently, the agency must meet the separate and independent requirements established in the regulations.

#### **Recognition History**

The Accrediting Bureau of Health Education Schools (ABHES or the agency) received initial recognition in 1969 for its accreditation of private and public medical laboratory technician programs. The agency's recognition has been periodically reviewed and continued recognition has been granted after each review. In 1974, the agency was granted an expansion of scope to include the accreditation of medical assistant programs in the private sector. In 1982, the agency was granted another expansion of scope for the accreditation of private, postsecondary institutions offering allied health education. In 1995, the agency was granted an expansion of scope to accredit institutions and programs leading to the Associate of Applied Science and the Associate of Occupational Science degrees. In 1998, the agency was granted an expansion of scope to accredit institutions offering predominantly allied health education programs. In 2007, the agency was granted an expansion of scope to accredit institutions and programs leading to the Academic Associate degree and programs offered via distance education.

The last full review of the agency was conducted at the June 2011 National

Advisory Committee on Institutional Quality and Integrity (NACIQI or the Committee) meeting, at which the Committee recommended and the Secretary concurred that the agency's recognition be renewed for five years and that it submit an interim report addressing the issues identified in the staff analysis. In conjunction with the current review of the agency's renewal petition and supporting documentation, Department staff conducted a file review at the agency on April 26, 2011.

## **PART II: SUMMARY OF FINDINGS**

### **§602.14 Purpose and organization**

**(a) The Secretary recognizes only the following four categories of agencies:**

**The Secretary recognizes...**

**(1) An accrediting agency**

- (i) Has a voluntary membership of institutions of higher education;**
- (ii) Has as a principal purpose the accrediting of institutions of higher education and that accreditation is a required element in enabling those institutions to participate in HEA programs; and**
- (iii) Satisfies the "separate and independent" requirements in paragraph (b) of this section.**

**(2) An accrediting agency**

- (i) Has a voluntary membership; and**
- (ii) Has as its principal purpose the accrediting of higher education programs, or higher education programs and institutions of higher education, and that accreditation is a required element in enabling those entities to participate in non-HEA Federal programs.**

**(3) An accrediting agency for purposes of determining eligibility for Title IV, HEA programs--**

- (i) Either has a voluntary membership of individuals participating in a profession or has as its principal purpose the accrediting of programs within institutions that are accredited by a nationally recognized accrediting agency; and**
- (ii) Either satisfies the "separate and independent" requirements in paragraph (b) of this section or obtains a waiver of those requirements under paragraphs (d) and (e) of this section.**

**(4) A State agency**

- (i) Has as a principal purpose the accrediting of institutions of higher education, higher education programs, or both; and**
- (ii) The Secretary listed as a nationally recognized accrediting agency on or before October 1, 1991 and has recognized continuously since that date.**

In order to be compliant with 602.14 (a) the agency must meet the separate and independent requirements of 602.14 (b) as noted in the Staff analysis. Specifically, the agency was found out of compliance with 602.14(b) in relationship to its definition of public member. The agency's amended definition of public member as documented and discussed in the narratives to this section and to 602.14(b) now also brings it into compliance with this criterion. The agency's amended definition of public member is found in the ABHES Accreditation Manual.

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**(b) For purposes of this section, the term separate and independent means that--**

- (1) The members of the agency's decision-making body--who decide the accreditation or preaccreditation status of institutions or programs, establish the agency's accreditation policies, or both--are not elected or selected by the board or chief executive officer of any related, associated, or affiliated trade association or membership organization;**
- (2) At least one member of the agency's decision-making body is a representative of the public, and at least one-seventh of that body consists of representatives of the public;**
- (3) The agency has established and implemented guidelines for each member of the decision-making body to avoid conflicts of interest in making decisions;**
- (4) The agency's dues are paid separately from any dues paid to any related, associated, or affiliated trade association or membership organization; and**
- (5) The agency develops and determines its own budget, with no review by or consultation with any other entity or organization.**

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When the agency was last reviewed, ABHES was found out of compliance with this criterion due to the fact that its definition of a public member did not comport with the Secretary's definition. In response to the finding, the agency has revised its definition of public member as evidenced in the ABHES Accreditation Manual. The revision adds the requirement that public members may not have a spouse, parent, child, or sibling who is a member of any of the organizations identified in paragraph (2) or affiliated with any institution accredited by, or seeking accreditation, by ABHES in accordance with paragraph (1) of the Secretary's definition in 34 Code of Federal Regulations (CFR) Part 602.3. The agency demonstrates the application of its policy by providing attestations for public members serving on its decision making bodies (Commission Appeal Panel and its Substantive Change Committee). The attestations verify the agency employs methods to ensure public members meet the requirements of the regulation. In addition, the Agency's definition of public member appears on the attestation documents which its public members signed, verifying their

understanding of the requirements to serve as public members.

It should be noted that Commissioner John A. Yena serves as the public member for the agency's newly established Substantive Change Committee and also serves as a commissioner. Each of the agency's decision making bodies meets the composition requirements of 602.15(a).

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**§602.15 Administrative and fiscal responsibilities**

**The agency must have the administrative and fiscal capability to carry out its accreditation activities in light of its requested scope of recognition.**

**The agency meets this requirement if the agency demonstrates that--**

**(a) The agency has--**

**(2) Competent and knowledgeable individuals, qualified by education and experience in their own right and trained by the agency on their responsibilities, as appropriate for their roles, regarding the agency's standards, policies, and procedures, to conduct its on-site evaluations, apply or establish its policies, and make its accrediting and preaccrediting decisions, including, if applicable to the agency's scope, their responsibilities regarding distance education and correspondence education;**

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When the agency last reviewed, it was found out of compliance with this criterion because it did not adequately demonstrate that commissioners and evaluators were trained on their responsibilities regarding distance education and baccalaureate degree programs. In response to the compliance issues, the agency has provided ample documentation demonstrating that commissioners have attended training for the evaluation of distance education and baccalaureate degree programs. In addition, the agency has also provided documentation demonstrating that it has provided training for its evaluators related to distance education and baccalaureate degree programs.

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**(5) Representatives of the public on all decision-making bodies; and**

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In the staff report, the agency was found out of compliance with this criterion because its definition of public representatives did not comport to the Secretary's definition in 34 CFR Part 602.3. As noted for criterion 602.14(a), the agency has revised its definition of public member as evidenced in the ABHES Accreditation Manual to comport with the Secretary's definition. The agency demonstrates the application of its policy by providing attestations for public members serving on its decision making bodies (Commission, Appeal Panel and its Substantive Change Committee). The attestations verify the agency employs methods to ensure public members meet the requirements of the regulation. In

addition, the Agency's definition of public member appears on the attestation documents which its public members have signed verifying their understanding of the requirements to serve as public members.

It should be noted that Commissioner John A. Yena serves as the public member for the agency's newly established Substantive Change Committee and also serves as a commissioner. In addition, each of the agency's decision making bodies meets the composition requirements of 602.15(a).

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### **§602.16 Accreditation and preaccreditation standards**

**(a) The agency must demonstrate that it has standards for accreditation, and preaccreditation, if offered, that are sufficiently rigorous to ensure that the agency is a reliable authority regarding the quality of the education or training provided by the institutions or programs it accredits. The agency meets this requirement if -**

- **(1) The agency's accreditation standards effectively address the quality of the institution or program in the following areas:**

**(b) If the agency only accredits programs and does not serve as an institutional accrediting agency for any of those programs, its accreditation standards must address the areas in paragraph (a)(1) of this section in terms of the type and level of the program rather than in terms of the institution.**

**(c) If the agency has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education or correspondence education, the agency's standards must effectively address the quality of an institution's distance education or correspondence education in the areas identified in paragraph (a)(1) of this section. The agency is not required to have separate standards, procedures, or policies for the evaluation of distance education or correspondence education;**

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In the final staff report, the agency was found out of compliance with this criterion because it had not demonstrated that its student support services standards are equally assessed for distance education programs in comparison to onsite programs. In addition, department staff determined that the checklist used by the agency is an insufficient tool for assessing detailed compliance of standards, particularly in the review of programs offered via distance education.

In response to the compliance issues, the agency has modified the documents used to assess its standards as evidenced in exhibits (5a1-5c3). The visit reports now display the program's compliance or non-compliance with the agency's standards and the bases for compliance or non-compliance. The site visit reports also demonstrate that institutions and programs are evaluated on

each of the agency's standards. In addition to the standard site visit reports, programs that are taught via distance education are evaluated using a report that addresses distance education requirements documented in exhibits 5b2 and 5c2. These reports verify the agency's detailed evaluation of programs' compliance with its standards and also documents evaluation specific to programs taught via distance education.

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**§602.17 Application of standards in reaching an accrediting decision.**

**The agency must have effective mechanisms for evaluating an institution's or program's compliance with the agency's standards before reaching a decision to accredit or preaccredit the institution or program. The agency meets this requirement if the agency demonstrates that it--**

**(f) Provides the institution or program with a detailed written report that assesses--**

- (1) The institution's or program's compliance with the agency's standards, including areas needing improvement; and**
- (2) The institution's or program's performance with respect to student achievement;**

**and**

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When the agency was last reviewed, it was found out of compliance with this criterion because the site visit report (checklist format) used by the agency did not provide the institution or program with a detailed written assessment of its compliance with the agency's standards and its performance with respect to student achievement.

As discussed in 602.16 (b) (c) to address this issue site visit reports have been modified and now display the institution's or program's compliance or non-compliance with the agency's standards and the bases for determining compliance or non-compliance. The modified site reports provide this data for all of the agency's standards including compliance or non-compliance related to the agency's student achievement standards. The revised visit reports are evidenced in exhibits (5a1 - 6c3).

The agency's site review teams develop an Administrative Visitation Report (several examples of which are provided as exhibits) on the institution as a whole, as well as reports on individual programs. Chapter V, Section I of the institution-level report provides information about the institution's compliance with the agency's Program Effectiveness Standard. The team report includes retention, job placement (in the field), and credentialing examination pass rates for each of the institution's programs and assesses them against the agency's 70% threshold.

The program-level reports include information about the results of the student satisfaction survey required by the agency, which are used to assess program

effectiveness. The samples provided contain varying levels of detail regarding the institution's performance with respect to student achievement. However, the combination of the program-level and institutional-level reports is evidence that the agency minimally meets this criterion regarding the provision of a detailed report on the institution's performance with respect to student achievement.

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**§602.22 Substantive change.**

**(a) If the agency accredits institutions, it must maintain adequate substantive change policies that ensure that any substantive change to the educational mission, program, or programs of an institution after the agency has accredited or preaccredited the institution does not adversely affect the capacity of the institution to continue to meet the agency's standards. The agency meets this requirement if--**

**(1) The agency requires the institution to obtain the agency's approval of the substantive change before the agency includes the change in the scope of accreditation or preaccreditation it previously granted to the institution; and**

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When last reviewed, the agency was found out of compliance with this criterion for several reasons. Department staff noted that the agency needs to amend its policies and procedures to reflect that the executive committee of the Commission has the authority of the Commission to make interim decisions concerning substantive changes; demonstrate that the executive committee meets the decision-making body composition requirements of the Secretary's Criteria for recognition, as applicable; and demonstrate the Commission makes the final decisions concerning substantive change as required by 602.22(a)(1).

In response to the compliance issues, the agency has established a new autonomous decision making body (the substantive change committee) which makes final decisions related to substantive changes. The agency's policy specifically states "the substantive change committee may approve substantive changes but otherwise shall not have the authority to grant, deny, rescind, or withdraw accreditation". The selection process for substantive change committee members, duties, and the composition of the committee (which meets the composition requirements of 602.15(a)) are found in the ABHES Accreditation Manual section J, By-laws page 204.

The Substantive Change Committee is comprised of a subset of current Commissioners. As a result, and because the agency previously was found in compliance with the requirements of 602.15(a)(2) regarding the qualifications and training of its Commission members, the committee meets the requirements for a decision-making body.

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**(3) The agency's substantive change policy must define when the changes made or proposed by an institution are or would be sufficiently extensive to require the agency to conduct a new comprehensive evaluation of that institution.**

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When the agency was last reviewed, it was found out of compliance with this criterion because it needed to document the implementation of its policy for determining when a new comprehensive review is required. In response to the compliance issues, the agency documents the implementation of its policy to determine when a new comprehensive evaluation is required in exhibits 8a and 8b. The Commission letter provided as evidence (exhibit 8a) does document Commission action for what appears to be four substantive change requests. The letter also documents the institution having to show-cause why its accreditation should not be withdrawn. On page six of the letter the Commission notes that it has determined that the institution has undergone three substantive changes within 12 months and a comprehensive review is required. However, this letter does not demonstrate that the agency is in compliance with its policy. Its policy clearly states, "the Commission will be apprised by the Executive Director of any institution or program that undergoes, and is approved for three substantive changes within any twelve- month period".

It is not clear whether any of the institution's four substantive change requests that are included on the Commission's agenda for its December 2011 meeting had been approved under the agency's previous substantive change approval policy. It is also not clear whether the Executive Director, in accordance with the agency's new policy, had notified the Commission at the time of the approval of the third substantive change request within 12 months of the need for review under its new policy. The agency needs to provide additional information, and documentation, of the process that led to the decision to place the institution on show-cause.

Staff Determination, The agency does not meet the requirements of this criterion. The agency needs to provide additional information, and documentation, of the process that led to the decision to place the institution on show-cause.

**Analyst Remarks to Response:**

In the final staff report the agency was found out of compliance with this criterion. Department Staff required the agency to provide additional information and documentation, concerning the process that led to the decision to place Nightingale College, formerly (Ogden Institute of Massage Therapy) on show-cause. It was not clear to staff how the show-cause action related to the agency's review of multiple substantive change applications, and its decision to initiate a new comprehensive review of the institution, under its new policy.

The agency clarifies that it initially received an application for the approval of two substantive changes, which were approved on October 22, 2010. The agency

documents in (exhibit 3) that it received and approved a third substantive change request on July 20, 2011. Each of these substantive changes requires an onsite review in accordance with its policy. The documents provided by the agency also verify these approvals were made under the agency's previous substantive change approval policy as the approval authority was the agency's Executive Committee of the Commission. As previously noted, onsite reviews were conducted by the agency as evidenced in the attached exhibits.

The agency further documents that at its normally scheduled Commission meeting, the Commission voted to place Nightingale College on show cause based on the results of the site visit initiated due to the substantive changes. At the same meeting the agency's executive director informed the commission that the change in ownership, addition of a degree program, and addition of distance education delivery were each substantive changes that had occurred within a twelve month period; therefore, in accordance with the agency's policy regarding extensive changes at an institution, the Commission was obligated to also determine if a new comprehensive review is required. Based on its review, the agency did decide to initiate a new comprehensive review of the institution.

The agency's explanation in its narrative and the documentation it has provided adequately addresses the issues and concerns noted by Department Staff in the draft report.

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**(b) The agency may determine the procedures it uses to grant prior approval of the substantive change. However, these procedures must specify an effective date, which is not retroactive, on which the change is included in the program's or institution's accreditation. An agency may designate the date of a change in ownership as the effective date of its approval of that substantive change if the accreditation decision is made within 30 days of the change in ownership. Except as provided in paragraph (c) of this section, these procedures may, but need not, require a visit by the agency.**

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When the agency was last reviewed, it was found out of compliance because its substantive change policy did not clearly state that the effective date for substantive changes will not be retroactive. In response to the compliance issues, the agency has amended its substantive change policy. The policy revision specifically states: "The effective date of approval will not be retroactive, but rather will be the date of the letter from ABHES to the institution or program notifying it that the Commission has met and has acted to approve the substantive change". The specific details of the policy change are evidenced in the ABHES Accreditation Manual.

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**§602.24 Additional procedures certain institutional accreditors must have.**

**If the agency is an institutional accrediting agency and its accreditation or preaccreditation enables those institutions to obtain eligibility to participate in Title IV, HEA programs, the agency must demonstrate that it has established and uses all of the following procedures:**

**(2) The agency must evaluate the teach-out plan to ensure it provides for the equitable treatment of students under criteria established by the agency, specifies additional charges, if any, and provides for notification to the students of any additional charges.**

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When the agency was last reviewed, it was found out of compliance because its reliance on the language of 602.24(c)(2) as its criteria for assessing teach-out plans was not acceptable. In response to the compliance issues, the agency has revised its Accreditation Manual which now adequately addresses all of the requirements outlined in 602.24(c) (2). Chapter III, Section A. Subsection 7, of the agency's Accreditation Manual requires accredited institutions and programs to submit a Teach-out plan for approval by the agency in accordance with the specific requirements outlined in the policy. In addition, a link to the agency's Teach-out Plan approval form is provided in subsection A.7. As stated previously, the agency's revised policy and approval criteria for Teach out Plans meets the requirements contained in the Secretary's Criteria for recognition.

The agency also documents the application of its policy in the exhibits provided for 602.24(c) (5) which contain evidence of the agency's review, and approval and disapproval of Teach-out plans submitted by several of its accredited institutions, documenting the agency's evaluation of Teach-out plans.

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**(5) The agency must require an institution it accredits or preaccredits that enters into a teach-out agreement, either on its own or at the request of the agency, with another institution to submit that teach-out agreement to the agency for approval. The agency may approve the teach-out agreement only if the agreement is between institutions that are accredited or preaccredited by a nationally recognized accrediting agency, is consistent with applicable standards and regulations, and provides for the equitable treatment of students by ensuring that--**

**(i) The teach-out institution has the necessary experience, resources, and support services to--**

**(A) Provide an educational program that is of acceptable quality and reasonably similar in content, structure, and scheduling to that provided by the institution that is ceasing operations either entirely or at one of its locations; and**

**(B) Remain stable, carry out its mission, and meet all obligations to existing students; and**

**(ii) The teach-out institution demonstrates that it can provide students access to**

**the program and services without requiring them to move or travel substantial distances and that it will provide students with information about additional charges, if any.**

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When it was last reviewed, ABHES was found out of compliance because its policy did not state that an institution accredited by ABHES must submit any teach-out agreement entered by the institution to ABHES for approval. In addition, ABHES had not documented its review and approval of teach-out agreements, in accordance with its policies. The agency's policy revisions implemented to bring itself into compliance with 602.24(c) (2) have also adequately addressed the compliance issues for this criterion. Specifically, the agency's policy revisions for Teach-out plans now contain policy for submission of Teach-out agreements evidenced in the ABHES Accreditation Manual. The agency's policy defines Teach-out agreements, and contains procedures for review and approval of Teach-out agreements. The ABHES Accreditation Manual also provides a web link to its Teach-out Plan approval form which is used to document approval or disapproval of Teach-out plans and Teach-out agreements.

The agency states in its narrative that it has not had the opportunity to apply its revised policy on teach-out agreements.

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### **§602.25 Due process**

**(f) Provides an opportunity, upon written request of an institution or program, for the institution or program to appeal any adverse action prior to the action becoming final.**

**(1) The appeal must take place at a hearing before an appeals panel that--**

**(i) May not include current members of the agency's decision-making body that took the initial adverse action;**

**(ii) Is subject to a conflict of interest policy;**

**(iii) Does not serve only an advisory or procedural role, and has and uses the authority to make the following decisions: to affirm, amend, or reverse adverse actions of the original decision-making body; and**

**(iv) Affirms, amends, reverses, or remands the adverse action. A decision to affirm, amend, or reverse the adverse action is implemented by the appeals panel or by the original decision-making body, at the agency's option. In a decision to remand the adverse action to the original decision-making body for further consideration, the appeals panel must identify specific issues that the original decision-making body must address. In a decision that is implemented by or remanded to the original**

**decision-making body, that body must act in a manner consistent with the appeals panel's decisions or instructions.**

**(2) The agency must recognize the right of the institution or program to employ counsel to represent the institution or program during its appeal, including to make any presentation that the agency permits the institution or program to make on its own during the appeal.**

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The agency was previously found out of compliance with this criterion because its definition of its public member did not comport to the Secretary's definition in 34 CFR Part 602.3. In response to this compliance issue, as documented in its response to 602.15(a) (5), the agency revised its definition of public member. The agency's revised definition of a public member is compliant. The agency demonstrates the application of its policy by providing attestations for public members serving on its decision making bodies (Commission, Appeal Panel and its Substantive Change Committee). The attestations verify the agency employs methods to ensure public members meet the requirements of the regulation. In addition, the Agency's definition of public member appears on the attestation document which its public members have signed verifying their understanding of the regulatory requirements to serve as public members. The policy change is evidenced in the ABHES Accreditation Manual. In addition, each of the agency's decision making bodies meets the composition requirements of 602.15(a).

### **PART III: THIRD PARTY COMMENTS**

The Department did not receive any written third-party comments regarding this agency.